

Remarks

This Reply is filed with a Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CF 1.137(b) and is believed to be fully responsive to the final Office Action mailed February 7, 2006. ***If anything further is needed to be fully responsive to the Office Action mailed February 7, 2006, it is respectfully requested that the Examiner please phone the undersigned as soon as reasonably possible.***

An earlier version of this Reply was filed August 7, 2006, in an effort to place the application in condition for allowance by canceling all rejected claims and retaining only previously allowed or allowable claims and claims that depended only from allowed or allowable claims. That filing was found by the Office to be non-compliant because a listing of canceled claims 97-99 was inadvertently omitted, and a Notice of Abandonment (copy enclosed for convenience of the Examiners) was entered. The omission of listing canceled claims 97-99 was due to an inadvertent typographical/word processing error and was unintentional, as is expressed in the enclosed Petition For Revival.

Such indication of claims 97-99 being canceled is made herein.

A petition for a three (3) month extension for responding to the Office Action and the appropriate fee were filed with the first filing on August 7, 2006 of the Reply; if credit for such extension and fee was not given with regard to that filing on August 7, 2006 and such credit for petitioning for extension of time and the fee needs to be provided again, please consider this a request for same.

The allowance of claims 53-60, 87, 94-96, 100 and 101 and the indication of allowability of claims 62 and 64 are noted with appreciation.

Claims 62 and 64 have been amended to independent form, including the limitations of the base claim and any respective intervening claims.

Previously rejected claims 44-51, 63, and 65-67 have been amended to depend directly or indirectly from respective allowed claims.

In several telephone message exchanges between Examiner Callahan and applicant's attorney, Warren Sklar, including an initial message from Examiner

DOLJP103WOUSA

Callahan, and also during a telephone discussion with Examiner Callahan on August 24, 2006, Examiner Callahan requested a correction to claim 87 to correct an informality in the inclusion of redundant language. This correction has been made per his request. If any further changes are needed, Examiner Callahan is urged to telephone Warren Sklar to discuss such changes so they also can be made, for example, by Examiner's Amendment or by the undersigned.

Thus, all of claims 53-60, 62-67, 87, 94-96, 100 and 101 should be allowed, and an early action allowing this application earnestly is solicited. If there are any questions or if any other corrections are needed or issues need to be addressed, Examiner Callahan is urged to telephone applicant's attorney at the number below.

It is believed that no further fee is required for this filing, but if one is needed, please charge the fee to deposit account No. 18-0988, Order DOLJP103WOUSA.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

Date: August 25, 2006

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,171	01/21/2000	Frank A. Doljack	DOLJP103W0USA	5489

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EXAMINER

CALLAHAN, PAUL E

ART UNIT PAPER NUMBER

2137

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

09/489,171

Examiner

Paul Callahan

Applicant(s)

DOLJACK

Art Unit

2137

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on ____.
- (a) ☐ A reply was received on ____ (with a Certificate of Mailing or Transmission dated ____), which is after the expiration of the period for reply (including a total extension of time of ____ month(s)) which expired on ____.
- (b) ☐ A proposed reply was received on ____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- (c) ☐ A reply was received on ____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
- (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- (a) ☐ The issue fee and publication fee, if applicable, was received on ____ (with a Certificate of Mailing or Transmission dated ____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
- (b) ☐ The submitted fee of \$____ is insufficient. A balance of \$____ is due.
The issue fee required by 37 CFR 1.18 is \$____. The publication fee, if required by 37 CFR 1.18(d), is \$____.
- (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
- (a) ☐ Proposed corrected drawings were received on ____ (with a Certificate of Mailing or Transmission dated ____), which is after the expiration of the period for reply.
- (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on ____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet


EMMANUEL L. MOÏSE
SUPERVISORY PATENT EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Item 7 - Other reasons for holding abandonment: The After-Final Amendment filed 8-7-06 is non-compliant under 37 CFR 1.121 because a complete listing of the claims is not provided therein. The time period for response to the Final Office Action mailed 2-7-06 expired on 8-7-06, and no extension of the time for response is now available under 37 CFR 1.136. See MPEP 711.02, MPEP 714.12. Hence the Application is held as abandoned for failure to timely file a proper reply to the Final Office Action mailed 2-7-06. .